

ORIGINAL



0000118480

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

2010 SEP 30 P 2:53

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20755A-10-0342

FIVE STAR CAPITAL MARKETS, LLC,
a Nevada limited liability company,

JAMES PICCOLO and MARY ELIZABETH
PICCOLO, husband and wife,

CRAIG COTTRELL, CRD# 4552833, and,
ANDREA COTTRELL, husband and wife,

CHARLEVOIX HOMES, LLC, an Arizona
limited liability company,

and

MICHAEL ROBERTS, an unmarried man,

RESPONDENTS.

Arizona Corporation Commission

DOCKETED

SEP 30 2010

DOCKETED BY

[Signature]

THIRD
PROCEDURAL ORDER
(Schedules a Hearing)

BY THE COMMISSION:

On August 17, 2010, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Five Star Capital Markets, LLC ("FSCM"), James Piccolo and Mary Elizabeth Piccolo, husband and wife, Craig Cottrell and Andrea Cottrell, husband and wife, Charlevoix Homes, LLC ("Charlevoix") and Michael Roberts, an unmarried man (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of notes and/or investment contracts.

The Respondents were duly served with copies of the Notice.

On August 25, 2010, a request for hearing was filed by Respondents, FSCM, James and Mary Elizabeth Piccolo, and Craig and Andrea Cottrell.

On August 27, 2010, by Procedural Order, a pre-hearing was scheduled on September 30, 2010.

On August 30, 2010, a request for hearing was filed by Respondent Michael Roberts.

On September 30, 2010, at the pre-hearing conference, the Division and the Piccolo and Cottrell Respondents appeared through counsel. Respondent Roberts appeared on his own behalf. The Respondents are discussing a possible settlement of the proceeding with the Division. In the interim, the Division has requested that a hearing be scheduled on the allegations contained in the Notice.

Accordingly, a hearing should be he scheduled.

IT IS THEREFORE ORDERED that a **hearing** shall be held on **January 24, 2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

IT IS FURTHER ORDERED that the parties shall also set aside **January 25, 26, 27, 28, 31 and February 3, 2011, for additional days of hearing**, if necessary.

IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies of their Witness Lists and copies of the Exhibits by December 23, 2010**, with courtesy copies provided to the presiding Administrative Law Judge.

IT IS FURTHER ORDERED that **if the case is resolved by proposed Consent Orders prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

...

...

...

1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
2 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
3 *hac vice*.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 DATED this 30th day of September, 2010.

7
8
9 

10 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

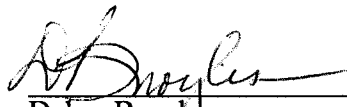
11 Copies of the foregoing mailed/delivered
12 this 30th day of September, 2010 to:

13 Jeffrey C. Matura
14 GRAIF BARRETT & MATURA, P.C.
15 1850 North Central Avenue, Suite 500
Phoenix, AZ 85004
Attorney for Respondents Five Star Capital Markets, LLC,
James Piccolo, Mary Elizabeth Piccolo, Craig Cottrell, and Andrea Cottrell

16 Michael Roberts
17 8711 East Pinnacle Peak Road, #213
Scottsdale, AZ 85525

18 Matt Neubert, Director, Securities Division
19 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

20 ARIZONA REPORTING SERVICE, INC.
21 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004

22
23 By: 
24 Debra Broyles
Secretary to Marc E. Stern